

FORM SB/64

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number
2318.0003

First Named Inventor: William D. Kennedy Group Art Unit: 2165
Application Number: 09/407,124 Examiner: Kemper, Melanie A.
Filed: 09/27/1999
Title: METHOD TO CREATE A CUSTOMIZED E-COMMERCE STORE

Attention: Mail Stop: PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Note: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☒ Small entity – fee \$ 665 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee \$ _____

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____
(identify type of reply)

☐ has been filed previously on _____

☒ is enclosed herewith

B. The issue fee of \$ _____

☐ has been paid previously on _____

☐ is enclosed herewith.

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PTO/SB/64 (10-00)

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3. Terminal Disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ For a small entity or \$ _____ For other than a small entity) disclaiming the required period of time is enclosed herewith (See PTO/SB/63)

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(iii)(C) and (D))]

5. ☐ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

10/21/2003

Date

(480) 391-8160

Telephone Number

Signature

Douglas W. Gilmore

Typed or printed name

Noblitt & Gilmore, LLC

21001 North Tatum Boulevard
Phoenix, Arizona USA 85050

Customer Number

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first-class Mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231
- ☐ Transmitted by facsimile on the data shown below to the United States Patent and Trademark office at (703) 308-6916.
- ☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:
Express Mail Label No. ER 152158320 US

21 October 2003

Date

Signature

DANIEL J. NOBLITT

Douglas W. Gilmore

Typed or printed name of person signing certificate

2318.0003
patent application**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Applicant(s):	William D. Kennedy	Atty Docket No.	2318.0003
Serial No.:	09/407,124	Group Art Unit:	2185
Filed:	09/27/1999	Examiner:	Kemper, Melanie A.
TITLE:	MET 400 TO CREATE A CUSTOMIZED E-COMMERCE STORE		

PETITION AFFIDAVIT

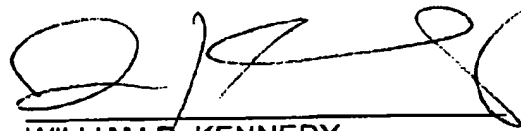
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Dear Commissioner:

The entire delay in filing the required reply from the due date for the required reply of July 02, 2002 until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

10/21/03
Date


WILLIAM D. KENNEDY
Applicant